

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OTTEY,

No. 19 Civ. 7503 (LTS)(KNF)

Plaintiff,

-against-

DHS/ICE, et al.,

Defendants.

ORDER

On July 24, 2020, the Court received Plaintiff's second motion for a Temporary Restraining Order and Preliminary Injunction. (Docket Entry No. 39.) The Court previously denied Plaintiff's emergency request for a Temporary Restraining Order prohibiting his removal during the pendency of this civil case, but directed the Government to inform the Court at least 48 hours in advance of his removal from the United States. (Docket Entry No. 9.) On July 7, 2020, the Second Circuit denied and dismissed Plaintiff's petitions for review of his order of removal. See Ottey v. Barr, No. 18-834, 2020 WL 3722072 (2d Cir. July 7, 2020). On July 17, 2020, the Government informed the Court that ICE intends to remove Plaintiff from the United States by the end of July 2020. (Docket Entry No. 36.) Upon receipt of the Government's July 17, 2020, letter, the Court again considered Plaintiff's request for a preliminary injunction and, in its order dated July 20, 2020, denied Plaintiff's request because this Court lacks jurisdiction to enjoin his valid order of removal. (See Docket Entry No. 38.)

Plaintiff now "resubmits his original TRO" (Docket Entry No. 39, at ¶ 2), requesting that the Court enjoin his removal to permit him to pursue his above-captioned "Bivens Complaint." (See Docket Entry Nos. 1, 2.) For the reasons set forth in the Court's July 20,

2020, order, Plaintiff's second motion for a Temporary Restraining Order and Preliminary Injunction is denied.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore in forma pauperis status is denied for purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444 (1962). Chambers will mail a copy of this order to Plaintiff at the address below, and Respondent is directed to deliver a copy of the order to Plaintiff prior to his removal from the United States.

SO ORDERED.

Dated: New York, New York
July 24, 2020

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge

Copy Mailed to: Dwayne Ottey, A#206552871
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Jonesboro, LA 71251